

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Thomas Juliano	Team: Squad #6	CCRB Case #: 202002851	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Saturday, 04/18/2020 9:40 PM	Location of Incident: In front of § 87(2)(b)	Precinct: 73	18 Mo. SOL 10/18/2021	EO SOL 5/4/2022	
Date/Time CV Reported Thu, 04/23/2020 10:49 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Thu, 04/23/2020 10:49 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Richard Catapano	05751	961675	073 PCT
2. An officer			
3. SGT Mariusz Suchoicki	01395	929225	PSA 2

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Abir Noor	21625	959847	PSA 2
2. POM Brian Mahon	23144	949240	073 PCT
3. POM Gregory Andre	19779	958249	PSA 2
4. POM Maximo Morel	06548	958950	PSA 2
5. POM Nazmul Khan	05850	954020	PSA 2
6. SGT John Cerillo	1186	936329	PSA 2
7. SGT Steven Franzel	03573	945733	073 PCT
8. POF Ruth Donald	18920	962368	073 PCT
9. POF Dominique Armenio	18629	961626	PSA 2
10. POM Gavier Almanzar	09934	956380	PSA 2
11. POM John Espinal	19909	962383	PSA 2
12. POM James Postiglione	18652	959089	PSA 2
13. POM Joseph Sorrentino	15954	957890	PSA 2
14. POF Katie Reser	04609	948124	PSA 2
15. CPT Besemah Rogers	00000	937419	PSA 1
16. DI Rohan Griffith	00000	940218	075 PCT

Officer(s)	Allegation	Investigator Recommendation
A. An officer	Discourtesy: An officer spoke discourteously to § 87(2)(b)	
B. An officer	Discourtesy: An officer spoke discourteously to § 87(2)(b)	
C. An officer	Discourtesy: An officer spoke discourteously to § 87(2)(b)	
D. An officer	Force: An officer used physical force against § 87(2)(b)	
E. An officer	Abuse: An officer threatened to arrest § 87(2)(b)	
F. An officer	Abuse: An officer threatened to arrest § 87(2)(b)	
G. An officer	Force: An officer used physical force against § 87(2)(b)	
H.POM Richard Catapano	Force: Police Officer Richard Catapano struck § 87(2)(b) with an asp.	
I.POM Richard Catapano	Abuse: Police Officer Richard Catapano drew his gun.	
J.POM Richard Catapano	Abuse: Police Officer Richard Catapano threatened § 87(2)(b) with the use of force.	
K.POM Richard Catapano	Abuse: Police Officer Richard Catapano threatened § 87(2)(b) with the use of force.	
L.SGT Mariusz Suchoicki	Discourtesy: Sergeant Mariusz Suchoicki spoke discourteously to an individual.	
M.SGT Mariusz Suchoicki	Abuse: Sergeant Mariusz Suchoicki threatened an individual with the use of force.	

Case Summary

On April 23, 2020, § 87(2)(b) filed this complaint with the CCRB via the online website on behalf of himself, his wife, § 87(2)(b), his step daughters, § 87(2)(b) and § 87(2)(b), § 87(2)(b)'s daughter's father, § 87(2)(b) and § 87(2)(b)'s family friend, § 87(2)(b).

On April 18, 2020, at approximately 9:40 p.m., § 87(2)(b) got into a physical fight outside of § 87(2)(b). Approximately 40-50 officers from the 73rd Precinct, PSA2, and SRG3 responded to the location, including PO Richard Catapano of the 73rd Precinct, and Captain Rohan Griffith and Sgt. Mariusz Suchoicki of PSA2. An officer used the expletive “fuck” at § 87(2)(b) and § 87(2)(b) (**Allegations A, B, and C – Discourtesy:** § 87(2)(g)). An officer pushed § 87(2)(b) against a gate and dragged him towards the building (**Allegation D – Force:** § 87(2)(g)). An officer threatened to arrest § 87(2)(b) and § 87(2)(b) (**Allegations E and F – Abuse of Authority:** § 87(2)(g)). An officer pushed § 87(2)(b) (**Allegation G – Force:** § 87(2)(g)). PO Catapano struck § 87(2)(b) with his asp (**Allegation H – Force:** § 87(2)(g)). PO Catapano drew his firearm and threatened § 87(2)(b) and § 87(2)(b) (**Allegations I, J, and K – Abuse of Authority:** § 87(2)(g)). Sgt. Suchoicki stated to an unidentified individual, “Dude, stay the fuck away from me. You walk behind me I’ll punch you in the face” (**Allegation L – Discourtesy:** § 87(2)(g)) (**Allegation M – Abuse of Authority:** § 87(2)(g)). § 87(2)(b) was issued a summons for § 87(2)(b).

OCA lists no results for the summons (**Board Review 01**). 17 BWC videos of this incident were obtained and can be found in IAs #145-161. Summaries of the footage can be found in IA 163 (**Board Review 02**).

Findings and Recommendations

Allegation (A) Abuse of Authority: An officer spoke discourteously to § 87(2)(b)

Allegation (B) Discourtesy: An officer spoke discourteously to § 87(2)(b)

Allegation (C) Discourtesy: An officer spoke discourteously to § 87(2)(b)

Allegation (D) Force: An officer used physical force against § 87(2)(b)

Allegation (E) Abuse of Authority: An officer threatened to arrest § 87(2)(b)

Allegation (F) Abuse of Authority: An officer threatened to arrest § 87(2)(b)

Early in the morning on April 18, 2020, § 87(2)(b) called him and said his step daughter, § 87(2)(b), who has a history of being bipolar, manic depressive, ADD, and possibly schizophrenic, was having an episode. § 87(2)(b) asked § 87(2)(b) to speak with § 87(2)(b). § 87(2)(b) was speaking to § 87(2)(b) when § 87(2)(b)'s boyfriend and his friend approached from across the street and attacked § 87(2)(b). At approximately 9:42 p.m., § 87(2)(b) and § 87(2)(b) exited § 87(2)(b) and attempted to break up the fight. Approximately 40-50 officers from both the 73rd Precinct and PSA2 arrived mid-fight. An officer pulled § 87(2)(b) off of § 87(2)(b)'s boyfriend. The officers ordered everyone to go inside the building and everyone complied except § 87(2)(b). § 87(2)(b) tried to explain to the officers that the incident stemmed from § 87(2)(b), who she said had mental health issues and was having an episode. As § 87(2)(b) was walking into the building, he heard an officer, who he described as a 5’7” tall white male in uniform, tell § 87(2)(b) “We have fucking daughters too. Get the fuck out of here.” § 87(2)(b) went into the building, however, he felt that the officers were not taking the situation with § 87(2)(b) seriously, and exited the building again. An officer, who § 87(2)(b) described as a male Asian officer, said to § 87(2)(b) “What the fuck are you doing? Go in the building.” The officer pushed § 87(2)(b) against a fence, grabbed his shirt near his shoulders with both hands, and began trying to drag § 87(2)(b) toward § 87(2)(b) while ordering him to go home (**Board Review 03**).

§ 87(2)(b) testified that she attempted to explain to the officers that § 87(2)(b) was having a mental health crisis. An officer, who § 87(2)(b) described as a 5'7" tall white male in uniform, told § 87(2)(b) "I have a § 87(2)(b)-old daughter too. Go the fuck home." § 87(2)(b) "went off" on the officer, saying, "No, she's my daughter. I'm requesting for her to get help." The officer told § 87(2)(b) to go home or she and § 87(2)(b) would be arrested. § 87(2)(b) yelled at the officer and asked what she would be arrested for, and said she was telling him to take § 87(2)(b) to the hospital because she was not mentally stable. The officer continued to order § 87(2)(b) to go home, but § 87(2)(b) refused **(Board Review 04)**.

§ 87(2)(b) testified that § 87(2)(b) told the officers repeatedly that her daughter, § 87(2)(b) was off her medication and needed help. An officer, who she described as a white male between 30-40 years of age who stood 5'7"-6'1" tall with an average build in uniform, told her to "shut the fuck up." Another officer, who § 87(2)(b) described as a white male in his early 40s who stood 5'10" tall with a muscular build and wearing a uniform, said to § 87(2)(b) and § 87(2)(b) "Shut the fuck up and get back in the house" **(Board Review 05)**.

§ 87(2)(b) was unavailable to the investigation and § 87(2)(b) and § 87(2)(b) were uncooperative with the investigation.

The investigation received 17 BWC videos related to this incident. None of the BWC footage shows an officer cursing at § 87(2)(b) or § 87(2)(b) nor does the BWC show any officer threatening to arrest § 87(2)(b) or § 87(2)(b) **(Board Review 02)**.

The event shows that officers from PSA2, the 73rd Precinct, and SRG 3 responded to the incident **(Board Review 06)**.

DI Rohan Griffith, who was the captain of PSA2 at the time of the incident, was present during this incident. He testified that he did not witness any officers curse at § 87(2)(b) or § 87(2)(b) nor did he witness any officer threaten to arrest § 87(2)(b) or § 87(2)(b) **(Board Review 07)**.

Sgt. Mariusz Suchoicki testified that he did hear any officer curse at § 87(2)(b) or § 87(2)(b) nor did he hear any officer threaten to arrest § 87(2)(b) or § 87(2)(b) **(Board Review 08)**.

§ 87(2)(b) and § 87(2)(b) each alleged that an officer cursed at them, and § 87(2)(b) alleged that an officer threatened to arrest her and § 87(2)(b). The BWC footage obtained from this incident does not capture any of the alleged allegations. However, the event documentation confirms that officers from three commands responded to this incident, and based on civilian testimony, 40-50 officers responded to the incident. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(g)

Allegation (G) Force: An officer used physical force against § 87(2)(b)

§ 87(2)(b) testified that after she refused to go home and told the officers that her daughter needed help, a black female officer in her 40s wearing plainclothes pushed § 87(2)(b) in her back with her left hand **(Board Review 04)**.

§ 87(2)(b) testified that he observed a black female officer in uniform push § 87(2)(b) in the back **(Board Review 03)**.

§ 87(2)(b) testified that she observed an officer push § 87(2)(b) in the back with one hand. § 87(2)(b) described the officer as a black female in her late 20s or early 30s wearing a uniform (Board Review 05).

§ 87(2)(b) was unavailable to the investigation and § 87(2)(b) and § 87(2)(b) were uncooperative with the investigation.

PO Gregory Andre of PSA2 recorded BWC footage that captures this portion of the incident. The BWC footage, starting at the 03:25 mark of the timestamp visible at the bottom of the screen, shows that there were numerous officers at the location. A white officer in uniform puts a hand out and pushes § 87(2)(b) backwards. § 87(2)(b) takes a step back but does not stumble or fall. Neither the officer's name, shield number, nor precinct insignia is visible and the officer's gender is not apparent (Board Review 09). The push is not seen on any other BWC footage obtained for this case (Board Review 02).

The event shows that officers from PSA2, the 73rd Precinct, and SRG 3 responded to the incident (Board Review 06).

DI Griffith, who was the captain of PSA2 at the time of the incident, testified that he did not witness any officers push § 87(2)(b) and he could not identify the officer in the video (Board Review 07).

Sgt. Suchoicki testified that he did not see any officers push any civilians during the incident and could not identify the officer in the video (Board Review 08).

§ 87(2)(b) and § 87(2)(b) each testified that a black female officer pushed § 87(2)(b). However, each of them provided a different description of the officer. Additionally, while the BWC footage captures an officer push § 87(2)(b) in a similar manner that they described, the officer is white, which differed from what the civilians alleged. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation (H) Force: Police Officer Richard Catapano struck § 87(2)(b) with an asp.

Allegation (I) Abuse of Authority: Police Officer Richard Catapano drew his gun.

Allegation (J) Abuse of Authority: Police Officer Richard Catapano threatened § 87(2)(b) with the use of force.

Allegation (K) Abuse of Authority: Police Officer Richard Catapano threatened § 87(2)(b) with the use of force.

§ 87(2)(b) alleged that after the officer attempted to drag him back to the building, PO Catapano, struck § 87(2)(b) in the mouth with his asp causing his mouth to bleed and his teeth to be pushed in. § 87(2)(b) exited the building read out PO Catapano's shield number, 5751, and said that he saw PO Catapano strike § 87(2)(b) in the mouth with a nightstick. PO Catapano drew his firearm, which was a black Glock, and pointed it at the ground. PO Catapano walked toward § 87(2)(b) and asked what shield number he had read. § 87(2)(b) believed PO Catapano said this to intimidate § 87(2)(b) into saying a different shield number. § 87(2)(b) stood his

ground and again read PO Catapano's shield number out loud and told an officer that he would not get away with hitting § 87(2)(b). As PO Catapano was reholstering his firearm, § 87(2)(b) exited the building and also accused PO Catapano of striking § 87(2)(b) with an asp. PO Catapano stopped holstering his firearm, pointed it at the ground again, and started walking toward § 87(2)(b). § 87(2)(b) exited the building and pulled § 87(2)(b) back inside while telling him, "Shut up before they shoot you." Once § 87(2)(b) was back in the building, PO Catapano reholstered his firearm and walked away. § 87(2)(b) § 87(2)(b) went to § 87(2)(b) where he received x-rays that showed no broken bones or fractures. The medical staff cleaned § 87(2)(b)'s cuts and did not prescribe him any medication. § 87(2)(b) was uncooperative in providing a signed HIPAA form (**Board Review 03**).

§ 87(2)(b) testified that she did not witness this portion of the incident (**Board Review 04**). § 87(2)(b) provided a photo of § 87(2)(b)'s lip. The photo shows blood on § 87(2)(b)'s lip (**Board Review 10**).

§ 87(2)(b) also alleged that PO Catapano struck § 87(2)(b) with his asp. § 87(2)(b) approached PO Catapano and read his shield number out loud, to which PO Catapano replied, "I should shoot you right now" (**Board Review 05**).

§ 87(2)(b) and § 87(2)(b) were uncooperative with the investigation.

NYPD documentation confirmed that PO Catapano is deceased (**Board Review 11**).

§ 87(2)(g)

Allegation (L) Discourtesy: Sergeant Mariusz Suchoicki threatened individuals with the use of force.

Allegation (M) Abuse of Authority: Sergeant Mariusz Suchoicki threatened individuals with the use of force.

Although not alleged by any of the civilians in this case, the following was captured on Sgt. Suchoicki's BWC footage – at the 02:40 mark of the timestamp, visible at the bottom of the screen, Sgt. Suchoicki approaches a group of unidentified individuals on the opposite side of the street from the incident location. The group walks toward the building away from Sgt. Suchoicki while making statements such as, "suck my dick." One of the individuals walks behind Sgt. Suchoicki, and at the 03:08 mark of the timestamp, Sgt. Suchoicki states, "Dude, stay the fuck away from me. You walk behind me I'll punch you in the face." The group then enters the building. After the group enters the building, when no civilians are around, Sgt. Suchoicki states, "My § 87(2)(b) old is smarter than you asshole" (**Board Review 12**).

Sgt. Suchoicki testified that he responded to a call about a large fight at § 87(2)(b). He and officers attempted to disperse the crowd, directing people to go home. Sgt. Suchoicki was especially concerned due to the COVID-19 pandemic, as much of the crowd was mask-less. Sgt. Suchoicki approached a crowd of approximately 15 people outside of § 87(2)(b) and ordered them to go inside. One of the individuals did not have a mask on and Sgt. Suchoicki told him to put his mask on. The individual then looked at Sgt. Suchoicki, turned around and approached Sgt. Suchoicki from his right side, circling behind him at about an arms-length. Sgt. Suchoicki felt threatened that the individual might hit him in the back due to the close proximity. Sgt. Suchoicki said something to the effect of: "Get the fuck away from me, if you don't get away, I'm going to punch you in the face." Sgt. Suchoicki made the statement to try and get the individual

to disperse. The individual then walked back into the § 87(2)(b) and entered the building. During the interview, Sgt. Suchoicki stated that he should have used different language (**Board Review 08**).

Police officers must be courteous and respectful when dealing with civilians NYPD Patrol Guide, Procedure 203.09 (Board Review 13). While officers are allowed to use discourteous language during stressful situations, officers are only permitted to do so when scenes are so chaotic that the duty of courteousness and professional behavior should be overridden by the immediate need to maintain order Disciplinary Case No. 2017 17005 (**Board Review 14**).

When appropriate and consistent with personal safety, members of the service will use de-escalation techniques to safely gain voluntary compliance from a subject to reduce or eliminate the necessity to use force. In determining whether the use of force is reasonable, members of service should consider the following (NYPD Patrol Guide Procedure 222-01). (**Board Review 15**),

- A. The nature and severity of the crime or circumstances
- B. Actions taken by the subject
- C. The duration of the action
- D. The immediacy of the perceived threat or harm to the subject, members of service, and/or bystanders
- E. Whether the subject is actively resisting custody
- F. Whether the subject is attempting to evade arrest by flight
- G. Number of subjects in comparison to the number of MOS
- H. Size, age, and condition of the subject in comparison to the MOS
- I. Subject's violent history, if known
- J. Presence of a hostile crowd or agitators
- K. Subject apparently under the influence of a stimulant/narcotic which would affect pain tolerance or increase the likelihood of violence.

The BWC footage shows that Sgt. Suchoicki spoke discourteously to and threatened force against the unidentified individual. Sgt. Suchoicki admitted to using this language and did so because he was concerned for his safety for the sole reason that the individual walked behind him in close proximity. The BWC footage shows that at the time Sgt. Suchoicki made the comment, the officers were dispersing a small crowd outside of the complex. The individual, who was unmasked, walked behind and around Sgt. Suchoicki. Sgt. Suchoicki issued no orders to the individual to leave prior to using an expletive and making the threat of force. § 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) and § 87(2)(b) have been a party (**Board Review 16**).
- Sgt. Suchoicki has been a member of the NYPD for 20 years and has been a subject in three additional cases and eight allegations, none of which have been substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.

- As of January 5, 2021, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards this to complaint (**Board Review 17**).

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

Squad No.: 06

Investigator: Investigator Thomas Juliano Investigator Thomas Juliano 11/24/2021
 Signature Print Title & Name Date

Squad Leader: Jessica Peña IM Jessica Pena 11/27/2021
 Signature Print Title & Name Date